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Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Report of the Secretary-General

I. Introduction

1. On 8 December 1998, the General Assembly adopted resolution 53/97, entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives". Paragraphs 2 to 13 of the resolution read as follows:

"*The General Assembly*,

"...

"2. *Strongly condemns* acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;

"3. *Also strongly condemns* the recent acts of violence against such missions, representatives and officials, referred to in relevant reports under this item;

"4. *Urges* States to strictly observe, implement and enforce the principles and rules of international law governing diplomatic and consular relations and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;

"5. *Also urges* States to take all necessary measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above and to ensure, with the participation of the United Nations, where appropriate, that such acts are fully investigated with a view to bringing offenders to justice;

"6. *Recommends* that States cooperate closely through, *inter alia*, contacts between the diplomatic and consular missions and the receiving State with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives and with regard to the exchange of information on the circumstances of all serious violations thereof;

"7. *Urges* States to take all appropriate measures in accordance with international law, at the national and international levels, to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence.

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"8. *Recommends* that States cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its juridical authorities in order to bring offenders to justice;

"9. *Calls upon* States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;

"10. *Also calls upon* States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means for the peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

"11. *Requests* all States to report to the Secretary-General in accordance with paragraph 9 of resolution 42/154 of 7 December 1987;

"12. *Requests* the Secretary-General to issue a report on the item, in accordance with paragraph 12 of resolution 42/154, containing also an analytical summary of the reports received under paragraph 11 above, on an annual basis, as well as to proceed with his other tasks pursuant to the same resolution;

"13. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled 'Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives'."

2. The present report is prepared pursuant to paragraph 12 of resolution 53/97.

3. By a note dated 12 February 1999, the Secretary-General drew the attention of States to the request contained in paragraph 9 of General Assembly resolution 42/154 and paragraph 11 of General Assembly resolution 53/97 and invited them to report to him serious violations of the protection, security and safety of diplomatic and consular missions and representatives. Section II of the present report contains a summary of the reports received and the text of those reports.

4. Section III of the present report contains the comments received from States in response to paragraph 11 of General Assembly resolution 42/154.

5. Section IV of the present report contains information on the status of participation of States, as at 1 September 1999, in the Vienna Convention on Diplomatic Relations of 1961,[1] the Vienna Convention on Consular Relations of 1963[2] and the respective optional protocols thereto, as well as the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.[3]

II. Reports received from States pursuant to paragraph 11 of General Assembly resolution 53/97

6. **Sweden** submitted a report on 21 June 1999 which provided information on two incidents in the country, one involving a break-in into the Consular Affairs Office of the Embassy of Greece by a group of individuals who occupied the Office and caused serious damage to it. The relevant portion of the report is as follows:

> On 16 February 1999, the Consular Affairs Office of the Embassy of Greece was attacked by a group of 38 persons, all of Kurdish origin but resident in Sweden. At 6.34 a.m., they broke into the building and occupied the Consular Affairs Office. Because of the early hour, no diplomatic or other representative of the mission was in the Office. The occupants threatened to set fire to the office. After several hours of negotiations, the occupants gave in at 2.09 p.m. and came out, having caused serious damage to the office. No one was hurt. The prepetrators were apprehended on the spot. Further investigations are to follow. The charge is "unlawful intrusion, grave offence and preparation to commit grave arson".
>
> On 19 February, at 2.50 p.m., the Office of the United Nations High Commissioner for Refugees (UNHCR) office was occupied by a group of sympathizers of the Kurdish organization PKK. It all started with a woman ringing the office bell. The door was opened by an employee. The woman was admitted and at the same time a great number of Kurds (about 40 persons) invaded the office. Their demand that a message be sent to the United Nations was met. After a few hours, the office personnel were allowed to leave. By about 6.20 p.m., the occupation was over. Nobody was hurt and no damage was caused to the office. The perpetrators were apprehended on the spot. Further investigations are to follow. The charge is

"unlawful deprivation of liberty and unlawful intrusion, grave offence".

7. The report submitted by **Estonia** on 28 June 1999, related information on offences in the country involving the embassies and representatives of the Russian Federation, Sweden, Poland, France, Italy, Finland, the United States of America, the United Kingdom of Great Britain and Northern Ireland, Lithuania, Latvia, as well as others. The relevant portion of the report is as follows:

> During 1997 and 1998, 33 offences against foreign embassies, properties of embassies and employees of embassies and missions have been registered. In 15 cases, theft of cars and, in 11 cases, acts of hooliganism were committed. Of the 11 acts of hooliganism, six resulted in damage to cars.
>
> Eight incidents were directed at the Embassy of the Russian Federation or its employees, six incidents at the Organization for Security and Cooperation in Europe mission or its employees, the Royal Swedish Embassy has suffered four incidents, the Polish Embassy four incidents, France, Italy and Finland two incidents each, and the United States, the United Kingdom, Lithuania and the European Commission, one incident each.
>
> Bomb threats have been made against embassies on three occasions — on 26 August 1997 against the Latvian Embassy, on 18 September 1997 against the Swedish Embassy and on 28 September 1998 against the Embassy of the United Kingdom.
>
> On 20 April 1997, two men attacked Mr. Erminio Recupero, attaché to the Italian Embassy, in the staircase at 40 Liivalaia Street in Tallinn. The criminals robbed him of EEK 500 and his wristwatch. This robbery is registered at the Central City police precinct as criminal case No. 97010235. The offenders have not been apprehended.
>
> On 28 September, a bomb threat was made over the phone to the United Kingdom Embassy in Tallinn, 20 Kentmanni Street. This incident, criminal case No. 98045315, pursuant to criteria in subsection 2 of section 195 of the Criminal Code, is being processed at the Central City Police precinct. Regarding the accused Sergei Cherkashin, a court psychiatric examination was ordered to ascertain his responsibility.

8. **Austria** submitted a report on 19 July 1999 stating that there had been several incidents in the country in 1999, including the occupation of the embassies of Slovakia, Greece and Kenya. The relevant portion of the report is as follows:

> 22 May 1999: Occupation of the Slovak Embassy in Vienna by 15 activists of "Global 2000" protesting against the Slovak nuclear policy. 15 persons were arrested and subsequently acquitted by an Austrian court.
>
> 16 February 1999: Occupation of the Greek Embassy in Vienna by 42 PKK sympathizers; occupation of the Embassy of Kenya in Vienna by 24 PKK sympathizers. No physical injuries were reported. Legal proceedings are ongoing.
>
> 17 February 1999: Occupation of the Vienna International Centre by 60 PKK sympathizers. Legal proceedings against one person for causing physical injury are still ongoing.

9. **Israel** submitted a report on 22 July 1999 which provided information on violations in connection with its embassies in Brussels and Oslo and an attack on the Israeli Consulate General in Berlin, whereby a group of individuals entered the consulate by force and took a member of the staff hostage. The relevant portion of the report follows:

> On 1 October 1998, a hand grenade was discovered in front of the main gate of the Israeli Embassy in Brussels. The grenade was removed and no casualties or damages were reported.
>
> On 31 May 1999, a man set fire to his car in front of the Embassy of Israel in Oslo, in an apparent attempt to cause damage to the embassy. The gate of the embassy and the entrance were slightly damaged.
>
> In the course of a demonstration in Berlin, on 17 February 1999, a large group of Kurdish demonstrators attacked the Israeli Consulate General, entering the consulate premises by force, taking one of the members of the staff hostage and threatening the lives of the other members of the staff. Consulate security personnel were obliged to use weapons inside the Consulate building, resulting in several casualties.

10. The report submitted by **Switzerland** on 2 August 1999 related information on the invasion and occupation of premises by groups of individuals which took place at the Greek Embassy in Berne, the Greek Consulate in Zurich, as well as other locations. The relevant portion of the report reads as follows:

> The arrest by the Turkish authorities of Abdullah Ocalan, head of the Kurdish Workers Party (PKK), gave rise to a number of demonstrations in Europe, at

times accompanied by the occupation of diplomatic and consular missions. Switzerland was not spared. At dawn on 16 February 1999, Kurdish demonstrators illegally made their way into the Palais des Nations at United Nations headquarters in Geneva and occupied the Greek Embassy in Berne and the Greek Consulate in Zurich, while on 17 February 1999, they invaded the headquarters of the United Nations High Commissioner for Refugees in Geneva. In the Palais des Nations, the demonstrators occupied a meeting room, threatening to set themselves afire if police forces were ordered to attack.

In the end, all the occupations ended without any real incidents. Thanks to the negotiations which the Director-General of the United Nations Office at Geneva and the Swiss authorities entered into with the demonstrators, the latter withdrew without carrying out their threats. The same was true in Berne and Zurich. As a result, there were no deaths or injuries in Switzerland.

Given this chain of events and the forthcoming trial of Abdullah Ocalan, the Swiss Confederation took some unprecedented security measures. On 1 March 1999, the Swiss Federal Council decided to provide support to the cantons in which international organizations and diplomatic and consular missions are situated by placing Swiss Army units at their disposal. The sole function of the army is to keep under surveillance official buildings and the adjacent sites; it is not required to intervene directly when there are clashes with demonstrators, such intervention remaining the responsibility of the police.

The occurrence of the armed conflict in Kosovo, which necessitated increased protection of the diplomatic missions in Berne and Geneva, confirmed the wisdom of the Federal Council's decision to use the army to provide security for international buildings.

Since the armed conflict in Kosovo and the trial of Abdullah Ocalan are now over, the security operation has been somewhat reduced, but the Swiss authorities remain vigilant. It goes without saying that the police, in accordance with specific instructions, continue to keep under permanent surveillance the diplomatic and consular missions which, given political events outside Switzerland, appear to be at particular risk.

11. The report submitted by **Denmark** on 5 August 1999 contained information on the attacks within the country against the embassies of both the United Kingdom and the United States. The relevant portion of the report reads as follows:

> During the reporting period (1 June 1997 — 31 December 1998) two incidents, of a nature to raise some concern, were noted in Denmark:
>
> On 27 August 1997, a Molotov cocktail was thrown onto the grounds of the British Embassy, igniting vegetation. No perpetrator was found.
>
> On 19 November 1997, Molotov cocktails were thrown against the Embassy of the United States. Three persons were arrested.
>
> It should be pointed out that Danish police authorities continuously assess the security conditions pertaining to the foreign diplomatic and consular missions and representatives. On the basis of such assessments, measures deemed appropriate are adopted with respect to, and in close cooperation with, the individual mission and representative.

12. **Belarus** and **Finland** reported that there had been no violations during the reporting period.

13. The Secretary-General, in accordance with paragraph 10 (c) of resolution 42/154, addressed four reminders to States which had not responded to a case reported by another State.

III. Views received from States pursuant to paragraph 11 of General Assembly resolution 42/154

14. **Belarus** also reported the following:

> With regard to the views of the Republic of Belarus on the issue of appropriate protection and security and safety of foreign missions and their staff in Belarus, the Ministry wishes to point out that, in Belarus, a system of effective State measures guaranteeing strict respect for the inviolability and immunities of foreign missions and consular posts has been developed and functions continuously. Such measures include guarding the premises of missions and ensuring the personal safety of employees, in accordance with recognized international practice. Belarusian legislation establishes special protection for the lives of foreign representatives. Under article 64 of the Criminal Code of the Republic of Belarus, the murder of a representative of a foreign State with

the aim of provoking a war or international incident is punishable by deprivation of liberty for a period of 10 to 15 years or by death, and grievous bodily harm inflicted on such a representative with the same aim is punishable by deprivation of liberty for 8 to 15 years. The Government of the Republic of Belarus considers the adoption of effective measures to ensure the security of diplomatic and consular missions to be an important and urgent task.

The Ministry of Foreign Affairs of Belarus considers that, in the light of the events taking place in Yugoslavia, the United Nations can and must play a constructive role in strengthening the enforcement of international law in this field and in creating a climate in which arbitrariness in international relations and violations of diplomatic inviolability and immunities are not tolerated.

IV. Status of participation in international conventions pertaining to the protection, security and safety of diplomatic and consular missions and representatives as at 1 September 1999[4]

15. Each instrument listed below is represented by the letter shown on the left in tables 1 and 2 that follow.

A: Vienna Convention on Diplomatic Relations of 1961 (signed at Vienna on 18 April 1961; entered into force on 24 April 1964, in accordance with article 51).

B. Optional Protocol to the Vienna Convention on Diplomatic Relations concerning Acquisition of Nationality of 1961 (signed at Vienna on 18 April 1961; entered into force on 24 April 1964, in accordance with article VI).

C: Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes of 1961 (signed at Vienna on 18 April 1961; entered into force on 24 April 1964).

D: Vienna Convention on Consular Relations of 1963 (signed at Vienna on 24 April 1963; entered into force on 19 March 1967, in accordance with article 77).

E: Optional Protocol to the Vienna Convention on Consular Relations concerning Acquisition of Nationality of 1963 (signed at Vienna on 24 April 1963; entered into force on 19 March 1967).

F: Optional Protocol to the Vienna Convention on Consular Relations concerning the Compulsory Settlement of Disputes of 1963 (signed at Vienna on 24 April 1963; entered into force on 19 March 1967).

G: Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 1973 (adopted by the General Assembly of the United Nations on 14 December 1973; entered into force on 20 February 1977).

Notes

[1] United Nations, *Treaty Series*, vol. 500, No. 7310, p. 95.

[2] Ibid., vol. 596, No. 8638, p. 261.

[3] General Assembly resolution 3166 (XXVIII), annex.

[4] For detailed information, see relevant chapters in the *Multilateral Treaties Deposited with the Secretary-General — Status as at 30 April 1999* (United Nations publication, Sales No. E.99.V.5); see also the Internet address http://www.un.org/Depts/Treaty/bible.htm.

TABLE 1

Total participation in International Conventions pertaining to the protection, security and safety of diplomatic and consular missions and representatives

SIGNATURE						
A	B	C	D	E	F	G
61	20	31	47	19	39	26
RATIFICATION, ACCESSION OR SUCCESSION						
A	B	C	D	E	F	G
179	48	62	162	37	45	102

TABLE 2

Status of participations in International Conventions pertaining to the protection, security and safety of diplomatic and consular missions and representatives

STATE	SIGNATURE							RATIFICATION, ACCESSION OR SUCCESSION						
	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Afghanistan								A						
Albania	A							A			D			
Algeria								A			D			
Andorra								A			D			
Angola								A			D			
Antigua and Barbuda											D			G
Argentina	A	B		D		F		A	B		D			G
Armenia								A			D			G
Australia	A			D			G	A		C	D		F	G
Austria	A		C	D		F		A		C	D		F	G
Azerbaijan								A			D			
Bahamas								A		C	D			G
Bahrain								A			D			
Bangladesh								A			D			
Barbados								A			D			G
Belarus	A						G	A			D			G
Belgium	A		C	D		F		A	B	C	D	E	F	
Belize														
Benin				D		F		A			D			
Bhutan								A			D			G
Bolivia				D				A			D			
Bosnia and Herzegovina					E	F		A	B	C	D			G
Botswana								A	B	C				
Brazil	A			D	E			A			D			G
Brunei Darussalam														G

STATE	SIGNATURE							RATIFICATION, ACCESSION OR SUCCESSION						
	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Bulgaria	A						G	A		C	D	E	F	G
Burkina Faso				D		F		A			D		F	
Burundi								A						G
Cambodia								A	B	C				
Cameroon				D	E	F		A			D			G
Canada	A						G	A			D			G
Cape Verde								A			D			
Central African Republic	A	B	C	D		F		A	B	C				
Chad								A						
Chile	A			D		F		A			D			G
China		B	C		E	F		A			D			G
Colombia	A		C	D	E	F		A			D			G
Comoros														
Congo				D	E	F		A						
Cook Islands														
Costa Rica	A			D				A		C	D			G
Côte d'Ivoire				D		F		A						
Croatia								A			D			G
Cuba	A			D				A			D			G
Cyprus								A			D			G
Czech Republic								A			D			G
Democratic People's Republic of Korea								A			D			G
Democratic Republic of the Congo	A			D	E	F		A	B	C	D			G
Denmark	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Djibouti								A			D			
Dominica								A			D			
Dominican Republic	A	B	C	D	E	F		A	B	C	D	E	F	G
Ecuador	A		C	D			G	A		C	D			G
Egypt								A	B		D	E		G

STATE	SIGNATURE							RATIFICATION, ACCESSION OR SUCCESSION						
	A	B	C	D	E	F	G	A	B	C	D	E	F	G
El Salvador								A			D			G
Equatorial Guinea								A			D			
Eritrea								A			D			
Estonia								A	B	C	D	E	F	G
Ethiopia								A						
Fiji								A		C	D			
Finland	A	B	C	D	E	F	G	A	B	C	D	E	F	G
France	A		C	D		F		A		C	D		F	
Gabon				D		F		A	B	C	D	E	F	G
Gambia														
Georgia								A			D			
Germany	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Ghana	A	B	C	D	E	F		A			D	E		G
Greece	A							A			D			G
Grenada								A			D			
Guatemala	A						G	A			D			G
Guinea								A	B	C	D			
Guinea-Bissau								A						
Guyana								A			D			
Haiti								A			D			G
Holy See	A			D				A			D			
Honduras								A			D			
Hungary	A						G	A		C	D		F	G
Iceland							G	A	B	C	D	E	F	G
India								A	B	C	D	E	F	G
Indonesia								A	B		D	E		
Iran (Islamic Republic of)	A	B	C					A	B	C	D	E	F	G
Iraq	A	B	C					A	B	C	D	E		G
Ireland	A		C			F		A			D			
Israel	A		C	D				A						G
Italy	A	B	C	D	E	F	G	A	B	C	D	E	F	G

STATE	SIGNATURE							RATIFICATION, ACCESSION OR SUCCESSION						
	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Jamaica								A			D			G
Japan	A		C					A		C	D		F	G
Jordan								A			D			G
Kazakhstan								A			D			G
Kenya								A	B	C	D	E	F	
Kiribati								A			D			
Kuwait				D	E	F		A		C	D			G
Kyrgyzstan								A			D			
Lao People's Democratic Republic								A	B	C	D	E	F	
Latvia								A			D			G
Lebanon	A	B	C	D		F		A			D			G
Lesotho								A			D			
Liberia	A			D	E	F		A			D			G
Libyan Arab Jamahiriya								A	B					
Liechtenstein	A		C	D		F		A		C	D		F	G
Lithuania								A			D			
Luxembourg	A		C	D		F		A		C	D		F	
Madagascar								A	B	C	D	E	F	
Malawi								A	B	C	D	E	F	G
Malaysia								A	B	C	D			
Maldives											D			G
Mali								A			D			
Malta								A		C	D			
Marshall Islands								A			D			
Mauritania								A						G
Mauritius								A		C	D		F	
Mexico	A			D				A			D			G
Micronesia (Federated States of)								A			D			

STATE	SIGNATURE							RATIFICATION, ACCESSION OR SUCCESSION						
	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Monaco														
Mongolia							G	A			D			G
Morocco								A	B		D	E		
Mozambique								A			D			
Myanmar								A	B		D			
Namibia								A			D			
Nauru								A						
Nepal								A	B	C	D	E	F	G
Netherlands								A	B	C	D	E	F	G
New Zealand	A		C					A		C	D		F	G
Nicaragua							G	A	B	C	D	E	F	G
Niger				D		F		A	B	C	D	E	F	G
Nigeria	A							A			D			
Niue														
Norway	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Oman								A	B	C	D	E	F	G
Pakistan	A							A		C	D		F	G
Palau														
Panama	A			D	E	F		A	B	C	D	E	F	G
Papua New Guinea								A			D			
Paraguay							G	A	B	C	D	E	F	G
Peru				D		F		A			D			G
Philippines	A	B	C	D		F		A	B	C	D	E	F	G
Poland	A			D			G	A			D			G
Portugal								A			D			G
Qatar								A			D			G
Republic of Korea	A	B	C					A	B	C	D	E	F	G
Republic of Moldova								A			D			G
Romania	A						G	A			D			G
Russian Federation	A						G	A			D			G

STATE	SIGNATURE							RATIFICATION, ACCESSION OR SUCCESSION						
	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Rwanda							G	A			D			G
Saint Kitts and Nevis														
Saint Lucia								A			D			
Saint Vincent and the Grenadines								A			D			
Samoa								A			D			
San Marino	A							A						
Sao Tome and Principe								A			D			
Saudi Arabia								A			D			
Senegal	A	B						A			D	E	F	
Seychelles								A		C	D		F	G
Sierra Leone								A						
Singapore														
Slovakia								A		C	D		F	G
Slovenia								A		C	D			G
Solomon Islands														
Somalia								A			D			
South Africa	A							A			D			
Spain								A			D			G
Sri Lanka	A							A	B	C				G
Sudan								A			D			G
Suriname								A	B	C	D	E	F	
Swaziland								A						
Sweden	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Switzerland	A		C	D		F		A	B	C	D	E	F	G
Syrian Arab Republic								A			D			G
Tajikistan								A			D			
Thailand	A	B						A	B		D	E		
The former Yugoslav Republic of Macedonia								A	B	C	D			G
Togo								A			D			G

STATE	SIGNATURE							RATIFICATION, ACCESSION OR SUCCESSION						
	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Tonga								A			D			
Trinidad and Tobago								A			D			G
Tunisia							G	A	B		D	E		G
Turkey								A			D			G
Turkmenistan								A			D			G
Tuvalu								A			D			
Uganda								A						
Ukraine	A						G	A			D			G
United Arab Emirates								A			D			
United Kingdom of Great Britain and Northern Ireland	A		C	D		F	G	A		C	D		F	G
United Republic of Tanzania	A	B	C					A	B	C	D			
United States of America	A		C	D		F	G	A		C	D		F	G
Uruguay	A			D		F		A			D			G
Uzbekistan								A			D			G
Vanuatu											D			
Venezuela	A			D				A			D			
Viet Nam								A			D			
Yemen								A			D			G
Yugoslavia	A	B	C	D	E	F	G	A	B	C	D			G
Zambia								A						
Zimbabwe								A			D			